

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

GERARDO MEJIA,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-14-855-R
)	
GARFIELD COUNTY JAIL et al.,)	
)	
Defendants.)	

REPORT AND RECOMMENDATION

Plaintiff Gerardo Mejia, a state prisoner appearing pro se, filed a 42 U.S.C. § 1983 complaint and concurrently submitted an application to proceed *in forma pauperis*. See Doc. Nos. 1, 2. This matter was referred to the undersigned for initial proceedings consistent with 28 U.S.C. § 636(b). See Doc. No. 6.

The filing fee for this civil rights complaint is \$400.00, as noted on the Court's current fee schedule, which ordinarily would be due before this action was filed. See LCvR 3.2. Through his *in forma pauperis* application, Plaintiff requested leave to proceed without full prepayment and with a reduced filing fee of \$350.00. See Doc. No. 2; LCvR 3.3. On August 18, 2014, the undersigned granted Plaintiff leave to proceed without prepayment of the full filing fee. See Order (Doc. No. 7). Plaintiff was ordered to pay an initial partial filing fee of \$49.52 no later than September 17, 2014. See Order at 1. Plaintiff was advised that if he failed to pay this initial fee or to show good cause for the failure to pay, then "this action will be subject to dismissal without prejudice to refile, and no fees or costs will be imposed or collected." Order at 1-2.

As of the present date, Plaintiff has filed nothing further in this action. Plaintiff has not paid the filing fee, shown good cause for failing to do so, or requested an extension of time to comply with the payment deadline.

RECOMMENDATION

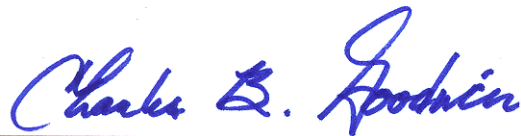
The undersigned therefore recommends that Plaintiff's action be dismissed without prejudice, with no fees or costs imposed or collected. *See* LCvR 3.4(a).

NOTICE OF RIGHT TO OBJECT

Plaintiff is advised of his right to file an objection to this Report and Recommendation with the Clerk of this Court by October 17, 2014, in accordance with 28 U.S.C. § 636 and Federal Rule of Civil Procedure 72. Plaintiff further is advised that failure to timely object to this Report and Recommendation would waive the right to appellate review of both factual and legal issues contained herein. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

This Report and Recommendation disposes of all issues referred to the undersigned in the present case.

ENTERED this 26th day of September, 2014.



CHARLES B. GOODWIN
UNITED STATES MAGISTRATE JUDGE